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DISTRICT OF UTAH

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OFFICE OF JUDGE  
DAVID SAM

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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

JUN 30 1998

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DEPUTY CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

GERHARD W. GOHLER, IRA, et al.,  
On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

vs.

ROBERT L. WOOD, et al.,

Defendants.

) ~~PROPOSED~~ ORDER AWARDING  
) REPRESENTATIVE PLAINTIFFS'  
) COUNSEL'S FEES AND EXPENSES  
) FROM SETTLEMENT FUND

) No. 92-C-181-S

595

THIS MATTER having come before the Court on July 7, 1998, on the application of counsel for the Representative Plaintiffs for an award of attorneys' fees and reimbursement of expenses incurred in the Litigation, the Court, having considered all papers filed and proceedings conducted herein, having found the Settlement of this action to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefor, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. All of the capitalized terms used herein shall have the same meaning as set forth in the Stipulation and Agreement of Partial Settlement dated as of March 30, 1998 ("Stipulation").

2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Class who have not timely and validly requested exclusion.

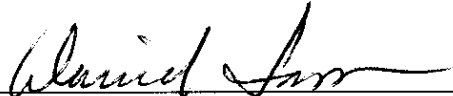
3. The Court hereby awards Representative Plaintiffs' Counsel attorneys' fees of thirty percent (30%) of the Settlement Fund and expenses in an aggregate amount of \$40,299.52, together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. Said fees and expenses shall be allocated by Plaintiffs' Settlement Counsel in a manner in which Plaintiffs' Settlement Counsel in good faith believe reflects the contributions of each firm to the prosecution and Settlement of the Litigation. The Court finds that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method giving due consideration to the Johnson factors.

4. The awarded attorneys' fees and expenses and interest earned thereon, shall be paid to Plaintiffs' Settlement Counsel from the Settlement Fund no later than three business days after the date this Order is executed subject to the terms, conditions and obligations of the Stipulation which terms, conditions and obligations are incorporated herein.

IT IS SO ORDERED.

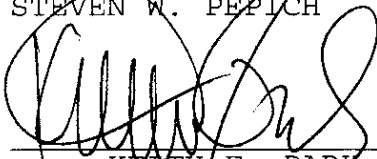
DATED:

July 7, 1998

  
\_\_\_\_\_  
THE HONORABLE DAVID SAM  
UNITED STATES DISTRICT JUDGE

Submitted by:

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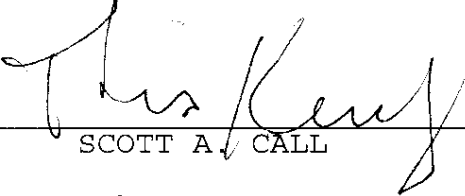
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DECLARATION OF SERVICE BY FEDERAL EXPRESS

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that declarant's business address is 600 West Broadway, Suite 1800, San Diego, California 92101.

2. That on June 29, 1998, declarant caused true copies of [PROPOSED] ORDER AWARDING REPRESENTATIVE PLAINTIFFS' COUNSEL'S FEES AND EXPENSES FROM SETTLEMENT FUND to be delivered to Federal Express for service on each of the parties listed on the attached Service List on June 30, 1998.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of June, 1998, at San Diego, California.

  
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BONNEVILLE

Service List - 05/07/98

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United States District Court  
for the  
District of Utah  
July 7, 1998

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:92-cv-00181

True and correct copies of the attached were mailed by the clerk to the following:

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